

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA
Plaintiff,

Cr. No. 21-359 (PAD)

v.

[3] BARBARA VALENTIN-RIVERA,
Defendant.

**MOTION REQUESTING RECONSIDERATION TO MODIFY CONDITIONS OF BAIL
RELEASE**

TO THE HONORABLE COURT:

COMES NOW defendant Barbara Valentin-Rivera, through undersigned counsel, and respectfully states and prays:

I. Background

On November 8, 2022, Franklin Castillo-Fernández, the defendant's U.S. Probation Officer, filed a motion requesting modification of conditions of release. Specifically, the USPO moved this Honorable Court to remove Ms. Valentin-Rivera's electronic monitoring device (EMD), which she has had since October 8, 2021. (Docket No. 184). The defense agrees with the USPO and, by way of reconsideration, respectfully requests that Ms. Valentin-Rivera's EMD be removed. Ms. Valentin-Rivera has maintained a law-abiding lifestyle, complying with all Court imposed conditions, and the USPO considers her low risk in terms of probability of non-compliance with the Court imposed conditions. The USPO has stated, and the defense agrees, that the location monitoring condition is no longer warranted.

The government, on November 22, 2022, opposed the USPO's request. The government

speculated that if the defendant was allowed to leave her home in the requested schedule there was a possibility that she would contact co-defendant Luis Crespo-Cumba, who was her husband and who remains at large. (Docket No. 199).

On November 23, 2022, this Honorable Court denied the “Motion Requesting Modification of Conditions of Release” without hearing the Defense’s position in this matter. (Docket No. 201). During the last status conference, on December 16, 2022, this Honorable Court granted the defense 7 days to file the instant motion seeking reconsideration.

II. Discussion

As established in the USPO’s motion, during the supervision period, U.S. Probation Officers are responsible for recommending appropriate conditions of release, and all recommendations are to comport with the “least restrictive” standard in view of each defendant’s current circumstances. To do this, the USPO uses an actuarial risk assessment tool approved by the Administrative Office of the United States Courts, the Federal Pre-Trial Risk Assessment (PTRA), to calculate the risk of the defendant’s failure to appear and the probability of a technical revocation. Using this method and evaluating Ms. Valentin-Rivera’s circumstances, the USPO concluded that Ms. Valentin-Rivera is considered low-risk in terms of non-compliance with the Court imposed conditions.

Ms. Valentin-Rivera has a bachelor’s degree in Social Work and is currently completing her master’s degree in Criminology at the Pontifical Catholic University of Puerto Rico. She is a straight-A student and is very dedicated to her professional career. She studies Mondays, Wednesdays, and Fridays. On Tuesdays and Thursdays, she works in her online sports clothing store.

During her probation period over the past 15 months, her behavior has been nothing but

excellent. Ms. Valentin-Rivera spends her time studying, working on her professional career, and reuniting with her daughter. She has stated in no uncertain terms that she would not jeopardize this process because her daughter is her priority, and that she understands that committing a crime or not complying with the Court imposed orders would ruin her chances of getting full custody of her daughter.

Ms. Valentin-Rivera has followed the Court orders to a tee and has not given the USPO or this Court, nor the government, any reason to think that she plans to contact Mr. Crespo-Cumba if her EMD were to be removed. Notably, she should not be punished or treated differently for the actions of others. Speculations that Ms. Valentin-Rivera would contact Mr. Crespo-Cumba are, aside from unanchored from hard evidence. Further speculation is just that – speculation, and, as such, it is insufficient to deny her removal of the EMD. Ms. Valentin-Rivera requests to be allowed to be placed on a curfew from 7:00am to 7:00pm for matters of study and attending to her daughter. Ms. Valentin-Rivera does not need an EMD, and the organization supervising her for the past 15 months – the USPO – has expressly stated as much.

WHEREFORE, Ms. Valentin-Rivera respectfully requests that this Honorable Court reconsider its decision at Docket No. 201, remove the EMD, and impose a curfew instead from 7:00am until 7:00pm every day, for matters of study and attending her daughter.

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF using the selected parties viewing restriction in the CM/ECF system.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 22nd day of December, 2022.

S/Leonardo M. Aldridge

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